

III. REMARKS

A certified translation of the counterpart German application is enclosed.

"Screen" has been replaced in the claims by "array" as requested by the Examiner. It is therefore submitted that the claims are no longer objectionable.

The present invention is a substrate and method for measuring extremely small amounts of a liquid. In order to achieve this, the invention has an insulating ultraphobic substrate so that a moving liquid leaves no residues which would lower the accuracy of the measurement. In particular, a drop of liquid resting on the substrate surface has a contact angle of more than 150° and a roll-off angle liquid of 10 µl in volume due to gravity of not more than 10° all as recited in independent claim 37 and 46.

Since none of the references show these features, the rejection of claims 17 and 29 under 35 U.S.C. 102 should be withdrawn.

Furthermore, these features result in a higher accuracy than the prior art. It is accuracy and not speed as stated by the Examiner which is an important object of the present invention. Thus these features are not mere matters of design choice.


In any event the "mere matter of design choice" argument was rejected in In re Antonie 195 USPQ 2d 6, 8; and In re Garrett 33 BNA PTCJ 43.

Thus, the rejection of the remaining claims under 35 U.S.C. 103 as being obvious over the various reference combinations should be withdrawn since even if the references are combined, the result is not the present invention.

For all the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number below.

A check in the amount of \$510.00 (small entity) is enclosed for a 3 month extension of time fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Aug. 26, 2005
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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